

U.S.A. vs SERVANDO DAVID LOZOYA-VAL

No. 08CR2538-JAH

The Court finds excludable delay, under the section indicated by check (), commenced on August 14, 2008 and ended on ~~11/3/08~~; ()
and ended on ~~11/3/08~~. ()

3161 (h)

- (1) (A) Exam or hrg for **mental or physical incapacity**
 - (1) (B) **NARA examination** (28:2902)
 - (1) (D) State or Federal trials or **other charges pending**
 - (1) (E) **Interlocutory appeals**
 - (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
 - (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
 - (1) (J) **Proceedings under advisement** not to exceed thirty days
 - ~~(1) (H)~~ Misc proc: Parole or prob rev, deportation, **extradition**
 - (1) (I) Consideration by Court of **proposed plea agreement**
 - (2) **Prosecution deferred** by mutual agreement
 - (3) (A) (B) **Unavailability of defendant or essential witness**
 - (4) Period of **mental or physical incompetence** of defendant to stand trial
 - (5) Period of **NARA commitment or treatment**
 - (6) **Superseding indictment and/or new charges**
 - (7) **Defendant awaiting trial of co-defendant** when no severance has been granted
 - (8) (A) (B) **Continuances granted per (h) (8)**-use "T" alone if more than one of the reasons below are given in support of continuance
 - (8) (B) (I)
 - 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
 - 2) Failure to grant a **continuance** of the trial would result a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
 - (8) (B) (ii) 2) **Case unusual or complex**
 - (8) (B) (iii) 3) **Indictment following arrest cannot be filed** in thirty (30) days
 - (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel or give reasonable time to prepare
(Continuance re counsel)
 - 3161(I) Time up to **withdrawal of guilty plea**
 - 3161(b) **/Grand jury indictment time extended** thirty (30) more days

Part 3

8/14/08

~~Judge's Initials~~